

Tennessee Private Investigation and Polygraph Commission Meeting

MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting held **October 15, 2020**, in Nashville Tennessee.

Walter Valentine

Walter Valentine (Jan 15, 2021 11:00 CST)

Walt Valentine, Chair

David Brown

Paul David Brown Jr, Vice Chair

CHARLES BRADLEY

CHARLES BRADLEY (Jan 22, 2021 22:34 CST)

Charlie Bradley

Kendall Barham

Kendall Barham (Jan 25, 2021 14:24 EST)

Charles Kendall Barham

Stuart W. Bayne

Stuart W. Bayne (Jan 27, 2021 13:58 EST)

Stuart W Bayne

Robin Brewer Johnston

Robin Brewer Johnston (Jan 27, 2021 17:21 CST)

Robin Brewer Johnston

Alan Rousseau

Alan G Rousseau

Doug Shanks

Douglas Shanks (Jan 27, 2021 19:08 EST)

Douglas Shanks

Signed 1-14-21

**TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION & COMMISSION MEETING MINUTES**

Date: **Thursday October 15, 2020** **9:00 A.M. (CST)**

Place: **WebEx platform based at**
Davy Crockett Tower
500 James Robertson Parkway
Nashville, TN 37243

Commission Members Present:

Stuart Bayne
David Brown
Robin Johnston
Doug Shanks
Walt Valentine
Charles Barham
Charles Bradley -Joined at 9:27 a.m.

Staff Members Present:

Cody Vest, Executive Director
Ashley Thomas, Staff Attorney
Jesse Gentry, Asst. General Counsel
Shauna Balaszi-Williams, RBAA3
Carol McGlynn, Paralegal
Mark Amick, Administrative Manager
Tiffany Hopkins, RBAA2

Absent:

Alan Rousseau

Call to Order: - Walt Valentine, Chairman

Chairman Valentine called the meeting to order at 9:02 A.M. Executive Director Cody Vest called roll.

Statement of Necessity: Ashley Thomas, Staff Attorney

This is the regularly scheduled meeting of the Tennessee Private Investigation and Polygraph Commission, which is taking place via WebEx, in accordance with Executive Order 60, which is in response to the novel coronavirus pandemic. Notice of this meeting was posted to the commission website on October 12, 2020. As there is not a physical quorum present, a statement of necessity will be read into the record. Pursuant to Tennessee Code Annotated 8-44-108(b)(2) which states “if a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of

members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists.” That determination must include a recitation of the facts and circumstances on which it was based. Further, Tennessee Code Annotated 8-44-108(a)(3) defines necessity as “matters to be considered by the governing body at that meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary.” This is the regularly scheduled meeting of the Tennessee Private Investigation and Polygraph Commission. The purpose of this meeting with members attending by video conference is to discuss the agenda as posted to the Board website. Voting will be conducted by roll call.

Roll Call: - Cody Vest, Executive Director

Walt Valentine – Here

David Brown – Here

Stuart Bayne - Here

Robin Johnston – Here

Alan Rousseau

Kendal Barham – Here

Charles Bradley

Doug Shanks – Here

Let the record show Alan Rousseau and Charles Bradley are not present; but there is a quorum. **Update:** Charles Bradley joined the meeting at 9:27 a.m.

Agenda:

Motion was made by Commissioner Brown to adopt the agenda as proposed. Motion was seconded by Commissioner Shanks.

Roll Call:

Walt Valentine – Aye

David Brown – Aye

Stuart Bayne - Aye

Robin Johnston – Aye

Doug Shanks – Aye

Kendal Barham – Aye

MOTION CARRIED

Minutes: - July 29, 2020, Commission Education and Meeting Minutes

Motion was made by Commissioner Bayne to adopt the minutes from July 29, 2020.

Motion was seconded by Commissioner Brown.

Roll Call:

Walt Valentine – Aye

David Brown – Aye

Stuart Bayne - Aye

Robin Johnston – Aye

Doug Shanks – Aye

Kendal Barham – Aye

MOTION CARRIED

Legal Report: - Jesse Gentry, Assistant General Counsel

New Cases:

1. **2020045141**
 Respondent:
 License Status: - ACTIVE
 First Licensed: 10/29/2019
 License Expiration: 10/31/2021
 Disciplinary History: None

Summary: Respondent worked as an intern to obtain her PI license at a licensed private investigation company in 2011. While she was with this company, the company was investigating the death of the Complainant's wife. It is unclear the exact amount of work the Respondent actually did with this company on the case, but that company also made a complaint against the Respondent (see below, number 2 on this report and case number 2020039531).

After receiving her license, the Respondent started her own company. She also started a podcast in or about April 2020 in which she began to share details of the Complainant's case. The Complainant stated Respondent also has a Facebook page under a different name that she has used to harass him and his family. The Facebook page for Respondent's company has a name that is not licensed with this Commission. It does not appear that the Respondent works for a licensed company at this time.

The Respondent did not fully cooperate with our investigator on this case. Respondent admitted to being one of several administrators who used the Facebook page that was allegedly harassing the Complainant, however, she would not provide a response to any of the questions asked of her by our investigator. In the Respondent's podcast, she discusses the Complainant's medical records,

which it is unclear as to how she got them, and makes multiple statements that the Complainant has stated she were false.

The Complainant was never a client of the Respondent nor of the company she previously worked for, however, the Respondent now appears to be working for a suspect who was allegedly involved in the murder of the Complainant's wife as the Respondent's ex-husband has stated that the Respondent is receiving payments from this other suspect and the Respondent's statements on her podcast seem to advocate for the innocence of the other suspect while alleging the Complainant was the actual murderer of his deceased wife.

The Respondent is subject to discipline for her failure to cooperate with our investigation (Tenn. Comp. R. & Regs. 1175-04-.02). The Respondent also appears to be subject to discipline for running an investigations company without licensure for that company (Tenn. Code Ann. § 62-26-204), for making public statements that are not completely objective and truthful (Tenn. Comp. R. & Regs. 1175-04-.04), and revealing information for a client obtained in an investigation to another individual (Tenn. Code Ann. § 62-26-221).

Recommendation: Authorize formal charges and the offer to settle this matter with voluntary license revocation.

Commission: Motion was made by Commissioner Bayne to concur with recommendation of counsel. Motion was seconded by Commissioner Brown.

Roll Call:

- Walt Valentine – Aye
- David Brown – Aye
- Stuart Bayne - Aye
- Robin Johnston – Aye
- Doug Shanks – Aye
- Kendal Barham – Aye

MOTION CARRIED

- 2. **2020039531**
Respondent:
License Status: - ACTIVE
First Licensed: 10/29/2019
License Expiration: 10/31/2021
Disciplinary History: None

Summary: This Complaint covers the same PI and facts presented above, however, this Complainant was the company that the Respondent interned for. This Complainant alleged the Respondent used details in the investigation of the murdered wife case and disclosed them on the Respondent's podcast without permission. The Respondent initially came to the Complainant as a potential witness to the above-discussed homicide case and after working together and providing

testimony regarding the case, the Complainant sponsored the Respondent for PI licensure and allowed her to work for her as an apprentice.

Additionally, this Complainant stated while the Respondent worked for her, the Complainant received notice that the Respondent had accessed clients files in the businesses drop box that the Respondent should not have had accessed. The Complainant told her that if she disclosed this information to any other parties, she would report her to the Commission. The Complainant was contacted by other individuals shortly after this incident stating that the Complainant had contacted them to “dig up dirt” on the Complainant.

Further, the Complainant became aware that the Respondent was allegedly working as an investigator for one of the homicide case’s suspects after leaving employment with the Complainant. The Complainant also stated the Respondent had previously offered testimony against these suspects and was now on her podcast recanting statements she made against these suspects. The Respondent has also apparently contacted several suspects whom the Complainant investigated and has told them to “fight back” against the Complainant.

Like the above complaint, the Respondent did not cooperate into the investigation of this Complaint and appears to be working for and running an unlicensed PI company. The Respondent is subject to the same grounds for discipline as noted above, but from the knowledge and statements of this Complainant, there appear to be more facts and first-hand knowledge regarding the information accessed by and then disclosed the Respondent.

This Complainant has also stated the Respondent has multiple DUI’s and arrests, but she alleged the Respondent has provided different social security numbers and names to avoid these cases being added together. There was one DUI that we received information on, however, the Complainant was not able to provide the other copies she stated were uncovered.

Recommendation: Authorize formal charges and the offer to settle this matter with voluntary license revocation.

Commission: Motion was made by Commissioner Brown to concur with recommendation of counsel. Motion was seconded by Commissioner Shanks.

Roll Call:

- Walt Valentine – Aye
- David Brown – Aye
- Stuart Bayne - Aye
- Robin Johnston – Aye
- Doug Shanks – Aye
- Kendal Barham – Aye

MOTION CARRIED

3. **2020060241**

Respondent:

License Status: - ACTIVE

First Licensed: 6/20/1993

License Expiration: 6/30/2021

Disciplinary History: 2009 Civil Penalty for failure to earn CPE's in Required Time

Summary: The Complainant inquired about services from the Respondent in April 2020 regarding the Respondent being able to locate a person. The Respondent then sent her the information on fees and procedures. The parties discussed the next steps and the information the Respondent would need to get started.

The Respondent stated the Complainant contacted him a few weeks later and was upset that there were not faster results. The Respondent stated he made the Complainant's case a priority at that point. The Complainant stated she had concerns with the investigation and the Respondent offered to cancel the investigation without any cost to the Complainant.

The Complainant alleged that the Respondent then used profanity and called her a racial slur. The Respondent did not deny using the words, however, he stated he believed was no longer on the phone with her. Surprisingly, the parties reconciled and continued to work together over the next month. The Respondent provided the address of the missing person to the Complainant and the Complainant then hired the Respondent to serve legal process on this person as well as other individuals.

After the Respondent served the documents, the Complainant was arrested for violating a court order. Apparently, there was a no-contact order between the Complainant and this missing person's children and the Complainant had included a personal letter to this child with the legal documents. The Complainant stated she was arrested due to a conspiracy between the Respondent, the District Attorney, and the Judge and that the Respondent had unlawfully told her he could serve the paperwork without violating the other. The Respondent stated the order was violated due to the Complainant going to this person's home. According to documentation from the court, the order was violated due to the included letter by the Complainant. The Respondent's actions of serving legal service would not violate a no-contact order, however, it is unclear whether he knew the additional letter was included in the envelope given to him by the Complainant.

Overall, it does not appear that there is any evidence of misconduct or grounds to discipline the Respondent regarding the issue with Complainant's arrest and violation of the no-contact order. The Commission could decide to discipline the Respondent for using a racial slur against the Complainant as applicants for licensure are to be of good moral character and licensees are to remain of good moral character. However, if the Commission decided this warranted discipline, a letter of warning would be the most appropriate form of discipline. It is concerning that the Respondent would use this language, however, as he and the Complainant reconciled after this language and continued working together, it did not appear to be so egregious in the mind of the Complainant.

Recommendation: Close.

Commission: Motion was made by Commissioner Shanks to concur with recommendation of counsel. Motion was seconded by Commissioner Bayne.

Roll Call:

- Walt Valentine – Aye
- David Brown – Aye
- Stuart Bayne - Aye
- Robin Johnston – Aye
- Doug Shanks – Aye
- Kendal Barham – Nay

MOTION CARRIED

- 4. **2020060781**
 Respondent:
 License Status: - ACTIVE
 First Licensed: 6/28/1993
 License Expiration: 6/30/2021
 Disciplinary History: None

Summary: This case is essentially the same as #3 on the legal report (case number 2020060241) except the Respondent named in this complaint is the company and the respondent in the other case was the individual investigator. No new facts were alleged in this filed complaint.

Whether the Commission decides to close the other case or issue a letter of warning, this case should close. It does not appear that there are any violations by the company and the issue regarding the racial slur used by the individual investigator likely should not be attributed to the company.

Recommendation: Close.

Commission: Motion was made by Commissioner Shanks to concur with recommendation of counsel. Motion was seconded by Commissioner Johnston.

Roll Call:

- Walt Valentine – Aye
- David Brown – Aye
- Stuart Bayne - Aye
- Robin Johnston – Aye
- Doug Shanks – Aye
- Kendal Barham – Aye
- Charles Bradley – Aye

MOTION CARRIED

Additional Information for Legal Reports:

Training from the Administrative Office of Courts regarding WebEx training. Recommend that commission members take part in the training.

Administrative Matters: Cody Vest, Executive Director

Monthly Report: -September 2020

Two vacancies: Alan Rousseau expired 09/30/2014, he still serves.

Budget Review – July 2019 up to August 2020

Total showing now is \$8,860 in the black.

Commission member Walt Valentine had a question about Edison and would like to know what benefits and what are they charge for.

Legislative Update – Nothing to report

Correspondence: - Walt Culver -Email of questions

1. Based on the background above, is it the Commission's opinion that a company domiciled in Tennessee but that locates and/or recovers lost property for clients both exclusively located out-of-state (neither in Tennessee), does not require a Tennessee Private Investigator license under TCA § 62-26?

Commission: No, he is not required to get a license in Tennessee, because he is only living in Tennessee and not conducting any business. If he does move to TN, he will be required to have a PI license, if he conducts any business.

2. Separately, at some point this one-person business may wish to acquire a TN Private Investigator license to add in-state clients (but not initially). If this company is structured as a Sole Proprietorship, I am assuming it will be sufficient to only file for an individual PI license (under TCA § 62-26-206), and not for both an individual PI license plus a corporate PI license. Is this the Commission's view also?

Commission: No, every PI must have a PI company.

3. To be licensed as a TN Private Investigator TCA § 62-26-206 outlines the requirements which must be met. This includes specific experience or education under section (a) (6) with either 2,000 hours of investigative/ related experience or 1 year of education "in a related area of study approved by Commission". Can the Commission provide a list of suggested courses that meets this education requirement in full (private courses, community college and/or other aveh .ts)? -,f not, can the Commission recommend a pathway or process to have the specific coursework approved that meets the education requirement?

Commission: Refer to Website

Education Review:

Education Committee Members: Walt Valentine, David Brown, Doug Shanks, Stuart Bayne and Alan Rousseau.

Charles Piper’s Professional Services

Conducting Contract and Procurement Fraud Investigations - Online

Continued Education

Requested 12 Hours

Commission: Education Committee approved course with 12 hours of continuing education, and Mr. Piper as an approved instructor.

Roll Call:

Walt Valentine – Aye

David Brown – Aye

Stuart Bayne - Aye

Robin Johnston – Aye

Doug Shanks – Aye

Kendal Barham – Aye

Charles Bradley – Aye

MOTION CARRIED

Charles Piper’s Professional Services

Conducting Healthcare Fraud Investigations

Continued Education

Requested 10 Hours

Commission: Education Committee approved course with 12 hours not 10 hours of continuing education.

Roll Call:

Walt Valentine – Aye
David Brown – Aye
Stuart Bayne - Aye
Robin Johnston – Aye
Doug Shanks – Aye
Kendal Barham – Aye
Charles Bradley – Aye

MOTION CARRIED

**Charles Piper’s Professional Services
Conducting Healthcare Fraud Investigations
Continued Education
Requested 10 Hours**

Commission: Education Committee approved course with 12 hours not 10 hours of continuing education.

Roll Call:

Walt Valentine – Aye
David Brown – Aye
Stuart Bayne - Aye
Robin Johnston – Aye
Doug Shanks – Aye
Kendal Barham – Aye
Charles Bradley – Aye

MOTION CARRIED

**PI Education, a division of Storyboard EMP, LLC
Ethics for Investigators, in Theory and Practice
Continued Education
Requested 2 Hours**

Commission: Education Committee approved course with 2 hours of continuing education.

Roll Call:

Walt Valentine – Aye
David Brown – Aye
Stuart Bayne - Aye
Robin Johnston – Aye
Doug Shanks – Aye
Kendal Barham – Aye
Charles Bradley – Aye

MOTION CARRIED

**The Criminal Defense Investigation Training Council
Uncovering Reasonable Doubt: The Component Method
Continued Education– Natalie Matthews
Requested 40 Hours**

Commission: Education Committee approved course with on 12 hours of continuing education.

Roll Call:

Walt Valentine – Aye
David Brown – Aye
Stuart Bayne - Aye
Robin Johnston – Aye
Doug Shanks – Aye
Kendal Barham – Aye
Charles Bradley – Aye

MOTION CARRIED

Unfinished Business:

Discussion from Commission member Mr. Bayne – Number of licensed PI and licensed Polygraph across the state of TN. Total of licensed Polygraph 62, and the trend is staying around the same and they are sole practitioner companies. Numbers are looked at constantly.

New Business: - 2021 dates for the PI Commission meeting

January 14, 2021 – would like to have by WebEx at first of the year

April 22, 2021

July 23, 2021

October 15, 2021

Commission: Motion was made by Commissioner Valentine to adjourn the May 19, 2020, meeting of the Tennessee Private Investigation and Polygraph Commission at 10:12 A.M.

Roll Call:

Walt Valentine – Aye

David Brown – Audio Issues

Stuart Bayne - Aye

Robin Johnston – Aye

Doug Shanks – Aye

Kendal Barham – Aye

Charles Bradley – Aye

Motion Carried

Minutes prepared by Shauna Balaszi-Williams, RBAA3